

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SEAN CAREY LYNN, #1496095 §
VS. § CIVIL ACTION NO. 6:16cv1371
HARVEY SUMMERS, ET AL. §

MEMORANDUM OPINION ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

Plaintiff Sean Carey Lynn, an inmate of the Texas Department of Criminal Justice proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. The lawsuit was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) as well as the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

After a review of the pleadings, the Magistrate Judge issued a Report, (Dkt. # 98), recommending that Lynn's civil rights complaint be dismissed, with prejudice for purposes of proceeding *in forma pauperis*. A copy of this Report was sent to Lynn at his address; return receipt requested. The docket shows that Lynn received a copy of the Report on May 4, 2018, (Dkt. # 99). However, to date, no objections to the Report have been filed. Instead, Lynn filed a letter to the Court, (Dkt. # 100), explaining that he has not received a final judgment so that he can file a timely notice of appeal.

Because Lynn failed to file objections to the Report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly it is

ORDERED that the Report of the Magistrate Judge, (Dkt. #98), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Plaintiff's civil rights complaint is **DISMISSED** with prejudice for purposes of proceeding *in forma pauperis*. Moreover, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **14** day of **July, 2018**.



Ron Clark, United States District Judge